

### Assault Charge Takes Rich to Jury

(Continued from Page 1)

was a conflict of opinion about "distance" involved. No powder burns were found by the jury. Espinoza attempted to testify from his hospital bed, but told his questioners that he did not remember details of the incident. Dr. K. E. Kerby, told the jury the victim had good chances of recovering and revealed that he smelled of alcohol when he was admitted Sunday night. Whether or not the man was intoxicated, could not be stated since he was said to be in a state of shock.

**Many Witnesses Called**

Witnesses testifying in order of their appearance were James Kil-Jebrew, bartender at the Ace Pastime, who stated that he had no knowledge of the incident until after it happened. He said that he saw Espinoza 10 or 15 minutes before the shooting and that he had been drinking beer, but he had no appearance of being intoxicated. Upon questioning, Kil-Jebrew later emphasized that Espinoza was not drunk when he last saw him.

Mrs. Alice Lasley, waitress at the Ace Pastime Cafe, said that she saw both Rich and Espinoza

from the cafe and gave a detailed account of their actions, as witnessed from inside, although she said she could not hear what was being said. Mrs. Lasley testified that she saw Rich tap Espinoza on the shoulder and that when Espinoza turned, the officer took him by the arm. Espinoza raised his arm as if "to take for Rich's gun," she stated, but she did not see the gun.

Espinoza had been in the cafe at various times during the afternoon, Mrs. Lasley said and asserted that "he didn't seem intoxicated, but he looked wild." In answer to a question by a jurymen, the witness testified that Mrs. Rich, who was in the Ace Pastime, called her husband after Espinoza had allegedly knocked an unnamed man down and had hit him the second time.

John Hawk, Oregon state police, revealed that he had been talking to Rich when the call for Rich came over the police phone. He let Rich out of the state police car in front of the tavern and continued east to turn around at Amalgamated Sugar Co. He testified he did not see the shooting, but said that on his return west on Main street he helped load Espinoza to take him to the hospital.

**Resistance Denied**

Benito Gonzales, Vale, asserted he was in the tavern during the fracas and said that he witnessed a fight in which Espinoza struck another Mexican twice with his fist, breaking the unknown victim's nose. Gonzales said he saw the officer enter the tavern and ask for Espinoza, but denied seeing that three or four Mexicans were on the sidewalk before the gun went off.

Another witness, also allegedly inside the tavern during the incident, was Lupe Del Rosa, who confirmed Gonzales' report, but asserted that he saw Rich pull his gun and grab Espinoza twice. He said that he saw the motion but did not see the gun. Del Rosa testified that Espinoza was "not drunk but kinda high."

Through an interpreter, Louie Vendrell, Juan Cerberos testified that he was standing on the sidewalk in front of the Ace Pastime and saw the shooting. He swore that Rich drew his gun and that Espinoza did not grab for the gun. Cerberos also testified that he saw Rich cock the gun and stated that "he believed Espinoza was drunk."

**Rich Testifies**

The police officer testified and answered questions voluntarily, since it was explained by the district attorney that he did not have to appear. Rich said that after inquiring in the tavern about the fight for which he had been called, he went to the street and touched Espinoza on the shoulder, stating, "You're under arrest, come with me." The officer asserted that Espinoza stopped and that he took him by the elbow, but Espinoza jerked away, swinging his arm over Rich's head while he backed away. He said that he pulled his gun to use as a blackjack and that Espinoza hit the gun, which Rich jerked back and it discharged. Rich said he did not realize the bullet had hit Espinoza until he saw him fall. When asked if Espinoza had committed a crime in his presence, Rich answered in the negative, but explained that he wanted to get him away from the by-standers to explain the situation to him. The officer asserted

### Men About Nyssa

(Continued from Page 1)

The big home on the farm which was quite a landmark burned in 1951. The original home had been constructed in 1905 and enlarged in 1918.

Dale's hobby over the years has been baseball and for many seasons he was umpiring local high school games. Of course, there is no connection with that fact and the fact that Nyssa won championships year after year.

Dale is the only one left in the area who started the Nyssa Road Assessment district. The other four members were Frank Morgan, Jess Thompson, Ida Ure and Sid Flannigan. The work was started in 1945 but jelled in 1947 and today is one of the finest districts in the Northwest. Garrison was board chairman for six years.

Dale mentioned that the success of the district was attributed to "people who were willing to pay for what they get, and they got what they paid for."

Dale is president of the Nyssa Eagles lodge which has expanded considerably both in membership and in physical property since he took office last June. He joined the Eagles in 1933 and served five years as trustee.

He is also a member of the Ontario Elks, a 32nd degree Mason, member of the Nyssa Blue lodge and a Shriner.

The Garrison's belong to the Methodist church.

Our guest took a dim view of the exploits of last week's guest—Skinny Tensen—especially the deal in which Skinny sold Dale his OWN traps.

"I hope," Garrison said, gritting his teeth, "that Skinny isn't resting too easy at night."

"There'll come a day," he snarled!

Others testifying were Mauro Ortega, who said he was outside when the incident occurred and that he saw Rich pull his gun and cock it. He denied that Espinoza raised his arm and said that he told Espinoza to go with the officer. Gonzalo Torrez said he was standing against a car when the shooting occurred and that he moved from the car to within two or three feet of Espinoza when the officer came. He also asserted that he did not see Espinoza grab the gun or try to strike it. Victor Rico testified that he was coming across the street and stopped in front of the tavern when the "trouble started." Although he stated that he saw Rich pull the pistol from the holster, he said that he did not see him pull the hammer back. He asserted that Rich did not say, "You're under arrest" to Espinoza.

Domingo Ybenez was another witness who said he was on the sidewalk when Rich attempted to make the arrest and denied that Espinoza raised his arm.

**Grand Jury In Nyssa**

Members of the grand jury came to Nyssa Monday to inspect the Ace Pastime and the city jail, but they did not question any witnesses here, it was reported.

To allay any qualms about handling of police cases in the future, Chief Hansen stated, "We will go on with the same policies we have used since I have been chief of police in Nyssa." Chief Hansen said there is no need for "long speeches" or explanations about policy, but emphasized that law enforcement will continue.

Monday houseguests at the home of her brother and sister-in-law, Rev. and Mrs. Paul Ludlow, were Mr. and Mrs. P. J. Kalbfleisch of Filer, Ida, Tuesday the group visited Rev. Ludlow's father, Sherman Ludlow who is ill in the Nampa nursing home. Wilton Jackson and Lynn. Carlson and Bruce spent spring vacation steelhead fishing at Riggins, Idaho.

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